IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NO. 57 OF 2004

OM PRAKASH YADAV,ALTO PORVORIM-GOA. ....Petitioners

Versus

STATE OF GOA THROUGH ITS CHIEF SECRETARY & 2 ORS., ...Respondents

Petitioner in person.
Ms. Winnie Coutinho, Public Prosecutor for the respondent nos. 1 to 3.
Ms. Norma Alvares, advocate for the respondent no.4.

Coram:- R. M. LODHA &
N. A. BRITTO, JJ.

Date:- 5th September, 2005

P.C.

The petitioner in person was heard. We also heard the learned Public Prosecutor Ms. Coutinho and Mrs. Alvares the learned advocate for the respondent no.4. We perused the affidavit dated 30th August, 2005 filed by the Director of Women and Child Development and Ex-Officio Joint Secretary, Government of Goa. We also considered the earlier affidavits dated 21st April, 2005 and 1st July, 2005. It does appear that pursuant to the Order of this Court dated 22nd March, 2005, steps have been taken by the State Government and its functionaries in compliance of the Order.

Our attention was invited to some incompleted tasks, namely:-

(i) that the arrangement for separation of the commercial sex workers and other sex victims from other inmates has not yet been made;

(ii) the inmates who have been there for quite sometime are not being provided with adequate opportunity for pursuing further studies, including learning of computers; and

(iii) that appointment of Superintendent has not been made.

It does appear that the inmates are not large in number and at present

there are only four inmates.

Pursuant to the directions of this Court now there are three separate rooms, two on the groundfloor and one on the first floor with proper ventilation, light, fans etc. That should not make it difficult for the authorities to arrange for separation of the two categories of inmates.

As regards the arrangements to the inmates for pursuing further studies, obviously much depends upon the desire and inclination of the inmates for education. It cannot be forced by the functionaries, but needless to say that if the inmates desire to pursue their studies, the functionaries shall not find some excuse, rather they shall provide the assistance to the concerned inmate in pursuing further studies.

At present there are already eleven staff members in the Protective Home. From amongst those eleven, one is in charge and the other is matron. The inmates are four and, therefore, the appointment of a Superintendent is not of much urgency.

We are satisfied with the steps taken by the State Government and its functionaries. What is required is sensitizing the staff members working in the Protective Home and that all care is taken of the inmates that meets with the requirements of Article 21 of the Constitution of India.

We are satisfied that no further direction needs to be issued by this Court. This P.I.L stands disposed of accordingly.

R. M. LODHA, J.

N. A. BRITTO, J.